



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: MMISG, INTL. PATENT AND TRADEMALL
Washington, D.C. 20530
www.uspto.gov

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 622,802	10 11 2000	Pawel Drabarek	10191 1517	4240

26646 7590 08 28 2002

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

LYONS, MICHAEL A

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 08 28 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

Applicant(s)

09/622 802

DRABAREK, PAWEŁ

Office Action Summary

Examiner

Art Unit

Michael A. Lyons

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 C.F.R. 1.136(a) and 1.136(b) after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will result in statutory abandonment of the application.
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, will result in a shortened patent term adjustment. See 37 C.F.R. 1.704(c).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL** 2b) ☐ This action is non-final
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner
- 10) ☐ The drawing(s) filed on 11 October 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received from this National Stage application from the International Bureau (PCT Rule 17.2(a))
- * See the attached detailed Office action for a list of the certified copies not received
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
- a) ☐ The translation of the foreign language provisional application has been received
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

Attachment(s)

- 1) ☐ Notice of References Cited (PTO 892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449, Paper No. 1)
- 4) ☐ Interview Summary (PTO 413, Form 1)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the heterodyne frequency of the first partial beam" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: some sort of logical connection between the individual sections of the claim.

The claim as written makes it extremely difficult to follow what exactly is being claimed, as the wording jumps from the interferometer part of the apparatus to the measuring probe and back again with no clear way of knowing exactly what part of the invention is being discussed in the claim at any given point. This also makes it difficult to understand whether the interferometer or the measuring probe will carry out the means of the invention disclosed in the claims.

Furthermore, the claim discloses a shifting of a light beam to a heterodyne frequency. The use of a short time coherence light source prevents this, as the emitted light is held in a pre-determined band and cannot be adjusted from its original state.

Claim 11 recites the limitation "the unit" in line 28. There is insufficient antecedent basis for this limitation in the claim. What exactly is "the unit" referring to? It appears in this claim to be referring to the beam gun unit the way it is written, but could it not also refer to the interferometer, or something else completely?

Claim 14 recites the limitation "the unit" in line 2. There is insufficient antecedent basis for this limitation in the claim. What exactly is "the unit" referring to? Is it referring to the beam gun unit, or the interferometer, or something else completely?

Claim 15 recites the limitation "the unit" in line 2. There is insufficient antecedent basis for this limitation in the claim. What exactly is "the unit" referring to? Is it referring to the beam gun unit, or the interferometer, or something else completely?

Claim 18 recites the limitation "the unit" in line 6. There is insufficient antecedent basis for this limitation in the claim. As written, "the unit" alludes to the receiving unit that is supposed to be mounted in "the unit." Should "the unit" refer to another part of the device?

Claim 19 recites the limitation "the optical path difference" in line 5. There is insufficient antecedent basis for this limitation in the claim. "An optical path difference" is disclosed in line 4 of the claim, but is a different optical path difference than is alluded to in line 5. To what is "the optical path difference" referring?

Claim 20 recites the limitation "the unit" in lines 2 and 4. . There is insufficient antecedent basis for this limitation in the claim. For line 2, as written, "the unit" alludes to the receiving unit that is supposed to be mounted in "the unit." Should "the unit" refer to another part of the device?

For line 4, what exactly is "the unit" referring to? Is it referring to the beam gun unit, or the interferometer, or something else completely?

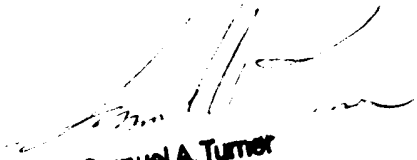
The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. As a result, the claims are more indefinite as a whole beyond what is described above, making it extremely difficult to interpret and understand exactly what is being claimed by the applicant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Lyons whose telephone number is 703-305-1933. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on 703-308-4877. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0935.

MAL
August 15, 2002



Samuel A. Turner
Primary Examiner